

**Frankfort/Franklin County
Planning Commission**

**June 14, 2007
5:30 P.M.**

Chairman Dwayne Cook, Presiding

Chairman Dwayne Cook called the meeting to order. Recording Secretary Dianna Rogers called the roll.

Members Present:	Charles Booe	
	Patti Cross	
	David Garnett	
	Sherron Jackson	
	Vickie Sewell	
	Annie Metcalf	
	Charles Stewart	
	Keith Lee	
	Dwayne Cook	(9)
Members Absent:	Darrell Sanderson	
	Joel Schrader	(2)

There being a quorum, the meeting proceeded

The first item of business was approval of the minutes of meetings April 26 and May 10, 2007. Mr. Garnett stated there were some changes to be made. The changed portion is in all caps. The first change was on page five, second paragraph "A motion was made by Mr. Garnett that "BASED UPON findings". The second change was on page five, third paragraph "and doesn't present VISUAL impact". The third change was on page six, third paragraph "need FOR THE NUMBER OF PARKING SPACES REQUESTED". The next change was on page eight, paragraph four. It was noted that the motion was VOTED AGAINST BY VICKIE SEWELL, ANNIE METCALF AND DAVID GARNETT. The next change was on page nine, paragraph one and it showed Darrell Sanderson voting for and against a motion. It is noted that he voted against the motion. A motion was made by Mr. Garnett to approve the minutes with the above changes being made. The motion was seconded by Mr. Lee and carried unanimously.

The next item of business was approval of the payment of bills. A motion was made by Mr. Garnett to approve the following bills:

Dianna Rogers – PC of 4/26/07	\$ 375.00
Dawn McDonald – PC of 5/10/07	300.00
Dawn McDonald – BZA of 5/1/07	150.00
Edwin Logan – PC-May - \$700.00	
Edwin Logan – BZA-May - \$550.00	1,250.00
The State Journal – 4/4; 4/16; 4/29/07	416.93
Vickie Sewell – KAPA Conference	296.28

The motion was seconded by Mr. Booe and carried unanimously.

There were no reports of officers, standing committees, special select committees or special orders. Under staff items, Mr. Robert Hewitt, County Planning Director, stated item two of new business (Floyd Gregory Smith – zone map amendment – 354 Manley Leestown Road) was removed from the agenda. Mr. Hewitt also requested the continuation of the public hearing for 349 Devils Hollow Road be heard first. Also under staff items, Mr. Gary Muller, City Planning Director, stated the Zoning Ordinance Update committee would be meeting on June 27.

The first item of business a continuation of a public hearing from Crumbaugh Leasing & Development, LLC, for approval of a zone map amendment from Rural Residential “B” district (RB) to Rural Low Density Multifamily District (RL) for a 39.521 acre property located at 349 Devils Hollow Road. Mr. Charles Booe recused himself from voting on this item.

A motion was made by Mr. Garnett to take the item from the table. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Garnett to adopt the summary. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Garnett to establish the findings of fact one through five contained in the staff report. The motion was seconded by Ms. Sewell and carried unanimously.

A motion was made by Ms. Metcalf findings cease. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Garnett to recommend approval of the request to Fiscal Court based on the adopted findings and the request was in compliance with the Comprehensive Plan. The motion was seconded by Ms. Sewell and carried unanimously with Ms. Cross, Mr. Garnett, Ms. Sewell, Ms. Metcalf, Mr. Stewart, Mr. Lee and Mr. Cook voting in favor.

The next item of business was a request from Ron Hack for a modification of standards from Part 2, Section 2.02.01 and 2.03.05 Street Connectivity, to provide a connection to the adjoining Holly Street, but no connection to the adjoining Schenkelwood Drive for the development referenced as Oakwood Subdivision, for the approximately 5.35 acre parcel of land located on Schenkel Lane across from Imperial Mobile Home Park.

Mr. Keith Parker, Attorney, was present for Mr. Hack. He stated there are twenty lots in this infill development and they would be single family dwellings. He stated the City regulations stated they need to connect to Schenkel, Holly and Schenkelwood but Schenkelwood is not possible due to the excessive grade change. He stated there is a 13% grade and it is not physically possible. He stated they are 18 feet from Schenkelwood to the edge of the road at over 134 feet.

Mr. Gary Muller, City Planning Director, was present and stated there was a correction to the report. He stated the last two sentences of page 4 should be removed. Mr. Muller stated the City does not allow over a 12% grade. He stated staff was in support of the request as well as the TRT.

The following audience members had questions of the applicant:

Anita Chinn, 221 Crestwood asked why Schenkelwood was allowed to be a dead end. She stated she did not want it connecting to Holly. Ms. Chinn submitted a petition from the area neighbors in opposition. Mr. Muller stated the code requires when adjacent right-of-way is platted that the road tie in. He stated the applicant is asking not to connect to it. Ms. Chinn asked if equipment could be used to get in a road. She added if they were not allowed to hook to Holly do they have to connect to Schenkelwood. Mr. Muller stated they can ask for a modification.

Mary Hulette, 217 Holly want the road to remain dead end and to use Schenkel to connect. Mr. Muller stated the applicant has not asked for that. Ms. Metcalf asked if Schenkel was blocked would there be fire and police protection if Holly was not open. Mr. Muller stated no unless the vehicles went in the ravine. Chairman Cook stated he has been a resident in the area for ten years and was moving out this year. He stated Crestwood has never been a cut through and feels that is its charm. He stated with the new development if there is opportunity for connectivity they need to do that.

The following spoke in opposition to the request:

Don Rose, 119 Beechwood, was concerned with the connection and that it would open the gate to drug trafficking and riff raff.

Doug Howard, 218 Holy, stated if there are only two proposals to accept or reject he would request it be rejected. He suggested an alternative of blocking the exit onto Schenkel and keep Schenkel Exit blocked and have it onto Holly.

Anita Chinn, 221 Crestwood was against the request and concerned about crime.

Clarence Lohr, 211 Holly stated he had been a victim of many crimes at his house and he did not want any more traffic activity or people.

Mr. Keith Parker stated they were not opposed to dead end streets. He stated they could not tie into Schenkelwood because of physical conditions. He stated they would agree to not build a flow through street to Holly but they would have to do a cul-de-sac to Holly. Ms. Mary Buniff, 145 Pickett stated the cul-de-sac would back up to her backyard and she would like to have some screening. Mr. Lohr stated he did not want a cul-de-sac at the end of Holly Street. Mr. Dwayne Ellis stated he owned the land and sold it. He stated no resident wanted to buy the property. He stated he went to every street to check first. He stated they have five developers interested. Ms. Metcalf asked if

this was adding more impervious surface. Mr. Muller stated he did not think they would be adding more but he was not sure; it would depend how they laid it out. Mr. Garnett stated a goal in the Comprehensive Plan was to preserve existing neighborhoods and promote appropriate infill.

A motion was made by Mr. Lee to approve the request to allow two dead-end streets less than 500 feet in length from Schenkel Lane and one from Holly Street and no extensions or roads for Schenkelwood is required with the staff conditions 2 & 3 being met. The motion was seconded by Ms. Cross. Those voting in favor: Mr. Booe, Ms. Cross, Mr. Stewart, Mr. Lee, Mr. Cook. Those voting in opposition: Mr. Garnett, Ms. Sewell, Ms. Metcalf. Mr. Jackson abstained. The motion carried 5-2-1 with the absention going with the majority vote.

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The next item on the agenda was a request from Peggy Gould and Pat Talley for the Planning Commission review of the Technical Review Team (TRT) recommendation of approval concerning traffic, drainage and open space issues for the development referenced as Kendallwood Subdivision, located on and within the 200 block of Rolling Acres Drive.

Nancy Harrod, managing partner of Russell/McDowell Harrod Construction was present. Ms. Harrod went over the concerns addressed by the Goulds. She stated there development is 50 feet higher than Rancho Drive. She stated they had a traffic study done even though one was not required. She stated there was no level change. She stated it stayed at an A. She stated as far as the roller coaster of Rolling Acres they could not do anything about that. She stated parents needed to be involved. She stated they do not generate a lot of pollution while they are building and she added they won't devalue the neighborhood but will raise it. She stated they pay taxes in the City as well. Ms. Harrod stated as far as Ms. Gould's foundation, their development is uphill and cracks are just a problem with concrete foundations.

Ms. Harrod address the concerns of the Talley's. She stated as far as their sewer back up, Ms. Harrod stated they were told they would have to fix some problems on down and they have. She stated the sewer department had them budget \$250 a lot to fix downstream problems. She stated they are fixing things not done properly years ago. She added the water run off is at the same rate. Mr. Russell Harrod was present and added that with their retention basin there will be slightly less water per HMB. Ms. Harrod stated they were in agreement with the staff report.

The following spoke or had questions:

Connie (Unidentified) 260 Hulette, had traffic concerns and asked when the study was done as far as time. Ms. Harrod stated at peak times.

Ms. Peggy Gould, 222 Rolling Acres, had drainage concerns and stated they have ground water and her house is on an underground spring. She stated the water comes up through the basement floor and she is afraid of more water. Ms. Harrod stated the inspectors check to see if the yard is graded right. Mr. Logan stated you can't guarantee what might or might not occur and you have to go with what the Engineer says.

Mr. Gary Muller, City Planning Director, was present and stated there were no changes to the staff report. He stated the drainage meets city requirements. Mr. Garnett asked if the Talley's sewer problems were only the Talley's or the neighborhood. Mr. Muller stated he did not know. Mr. Muller added a soil survey was required.

Mr. Ralph Gould, 222 Rolling Acres, stated the State told him there is an underground stream in the area and run off. He added he felt his house was stopping a lot of water as it comes down. He is concerned that the water will come up hydrologically through his basement. Mr. Muller told him it would be a civil issue. Mr. Garnett asked about a bond. Mr. Muller stated there was nothing from TRT to indicate the need for a bond. Mr. Jackson asked if the developer is disturbing the underground stream. Mr. Muller stated Public Works indicated they met the requirements. Ms. Gould stated she was not against the development but was against a lot of houses in a little area. She stated there would be more care pollution concentrated in that and it was not responsible growth.

A motion was made by Ms. Metcalf to uphold the recommendation of the TRT for the development referenced as Kendallwood. The motion was seconded by Keith Lee. Those voting in favor: Mr. Booe, Mr. Garnett, Mr. Jackson, Ms. Sewell, Ms. Metcalf, Mr. Lee, Mr. Cook. Those voting against: Ms. Cross, Mr Stewart. The motion carried 7-2.

The next item of business was a request from Mr. Charlie Jones, on behalf of M& W, LLC for approval of a waiver/modification from the sign regulations by proposing a master sign package plan for the Parkside Development. Specifically they are requesting approval of a master sign packaged plan that is ore restrictive in aspects of the County's regulations and more in line with the City's regulations. The master plan includes the reduction of allowed signage in exchange for the provision of a development identification sign and limiting the number of tenant signs upon each building. The property is located at the southwest corner of the intersection of I-64 and Versailles Road.

Mr. Charlie Jones, Attorney, was present for the applicant. He stated under county regulations 16,500 square feet of signage is allowed, including an interstate sign. He stated they want to bring their signage more in line with city regulations. He stated they deviate mostly on the development signs. They are requesting an identification sign of 761 square feet and would give up the 150 square foot highway sign. Mr. Jones stated they are asking for 7500 square feet of signage. He stated they want five pole signs instead of the 22 allowed. He added they want a floating 1,000 square feet of signage. He stated this request is unique and they don't have all the

tenants. He stated this will help for them to not have to come before the Planning Commission all the time. Ms. Sewell asked if he had a sign package plan they can look at. Mr. Jones stated no, only sizes. Mr. Cook asked why they were asking so early with so many variables. Mr. Jones stated they need this up front for negotiations as all the perspective tenants ask about signage. Ms. Sewell stated he was asking for a Master Sign Package but they did not have one before them. She stated they didn't know where the signs would go on the lot and the Planning Commission would be letting it out of their hands at that time. She added she felt this request was premature at this point.

Mr. Muller had twelve recommendations in his staff report. Mr. Jones submitted his review of the twelve conditions with requested changes. The items changed were as follows:

1. No change.
2. The two requested development identification pole signs (shopping center signs) with tenant panels shall not exceed 770 square feet per side and not be more than 42 feet in height. There will be a design review by the Director and PC Chair and if not acceptable to both of them it will come before the Commission.
3. Any parcel that contains a Development Identification Sign (shopping center sign) shall only contain monument signage and/or fascia signage as approved by the Director and PC Chair and if not acceptable to both of them it will come before the Commission.
4. No Change.
5. No Change.
6. No Change.
7. No Change.
8. No Change.
9. No Change.
10. No Change.
11. An additional 1,000 square feet of (floating) signage (based on no interstate signs being provided) for the entire 14 parcel subdivision may be applied to any fascia, pole sign for a movie theatre up to 300 square feet per side for the property provided no one sign exceeds 600 square feet; nor any one building contains more than 600 square feet on any one elevation; nor shall any fascia signage be increased on a structure that is less than 40,000 square feet in size by more than fifty percent.

12. Any of the 5 pole signs can be administratively approved to be changed to monument signs not to exceed 42 square feet. Furthermore, when such pole is amended to a monument sign, then the remaining previously allotted 108 square feet, pole sign for a movie theatre up to 300 square feet per side.

Mr. Muller gave a power point presentation. He stated a master sign plan for Planned Commercial but not Highway Commercial. Mr. Muller stated this request is not lot specific as there are 14 lots. Mr. Muller stated he went to Nicholasville to see a similar sign at Brannon Crossing and had a similar Kohl's sign. Ms. Sewell stated that item three would be a nonpremise sign if it was going on someone else's property. Mr. Muller agreed and stated it would have to be a common area and can't be a residential greenspace.

A motion was made by Mr. Garnett to establish the finding that the applicant's proposal places him under a more restrictive set of criteria. The motion was seconded by Mr. Lee and carried unanimously with Mr. Booe, Ms. Cross, Mr. Garnett, Mr. Jackson, Ms. Sewell, Ms. Metcalf, Mr. Stewart, Mr. Lee and Mr. Cook voting in favor.

A motion was made by Mr. Lee to establish the finding of fact that the proposal eliminates all interstate signs. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Booe to establish the finding of fact that the applicant's proposal on total square footage is significantly reduced and is a superior alternative to the code. The motion was seconded by Mr. Lee and carried unanimously.

A motion was made by Mr. Booe that findings cease. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Lee to approve the modifications as outlined above and the findings of fact. The motion was seconded by Mr. Booe. Those voting in favor: Mr. Booe, Ms. Cross, Mr. Garnett, Mr. Jackson, Mr. Stewart, Mr. Lee, Mr. Cook. Those abstaining: Ms. Sewell and Ms. Metcalf. The motion carried.

The next item of business was a request from Charlie Jones, on behalf of Dreyer and Goedecke, Inc., for a modification of standards from Part 2, Section 2.04.05 – Water Management Design Standards, to eliminate the requirement of providing storm water management facilities on the site and to allow the run off to discharge directly into the Kentucky River for the 5.6 acre parcel of land located at 770 Wilkinson Boulevard.

Mr. Charlie Jones, Attorney, was present for the applicant and stated there are properties already discharging into the river and these properties would join them.

Mr. Jones stated this is infill development and there is no adverse impact. He stated Public Works recommended approval. He added they had a meeting with Bike Frankfort and they may grant an easement. He stated they are trying to preserve the area. He stated it was a superior alternative and Public Works felt it was better to get the water off the property. Mr. Logan stated you could not waive 2.04.05; that was not a modification but an elimination of a requirement. Mr. Jones stated the design is better; there is nothing to put back except two overflows or you can meet the requirement and disturb the riverbank. Mr. Jones stated Public Works agreed with their recommendation that their not be a detention basin. Mr. Jones stated he had no problem with staff conditions. Mr. Jonathon Otis, P.E., 234 West Main Street, was present and stated if it is the same impervious surface you don't have additional runoff and you don't really need detention. Mr. Jones stated there is no increase in impervious pavement. Mr. Logan stated that addressed his question. He stated you are not really eliminating storm water management because it wouldn't have been required. Mr. Jones stated the surface of gravel and pavement is about half and half.

Mr. Muller stated he had no changes to the staff report.

A motion was made by Mr. Lee to approve the request with the four staff conditions. The motion was seconded by Ms. Cross. Those voting in favor: Mr. Booe, Ms. Cross, Mr. Garnett, Mr. Jackson, Mr. Stewart, Mr. Lee, Mr. Cook. Those voting in opposition: Ms. Sewell, Ms. Metcalf. The motion carried 7-2.

A motion was made by Mr. Lee to suspend the rules to go past 10 PM. The motion was seconded by Ms. Cross. Those voting in favor: Mr. Booe, Ms. Cross, Mr. Garnett, Mr. Stewart, Mr. Lee, Mr. Cook. Those voting against: Mr. Jackson, Ms. Sewell, Ms. Metcalf. The motion carried 6-3

The next item of business was a request from Mr. Charlie Jones, on behalf of M&W, LLC, for approval of Modifications of Standards for the Parkside Development and commercial parcel B (Kohl's) as well as an approval of the proposed development plan for parcel B (Kohl's). Specifically the applicant is requesting a modification from Section 3.103.02.O to allow private streets (cross access easements relating to the Kohl's development and commercial parcels A-D); a modification from Section 3.03.07 to allow one of the two cross-access easements relating to the Kohl's property be designed as specified within section 3.03.07, and approval of the development plan as required by the previously approved preliminary subdivision plat since the development contains a building greater than 40,000 square feet. The subject property is located at the southwest corner of the intersection of I-64 and Versailles Road.

Mr. Charlie Jones was present for the applicant. He stated they are providing pedestrian access; he added they are not providing sidewalks on both sides. Mr. Cook asked if there was a similar layout in Frankfort. Mr. Jones stated yes, in Franklin Square. Ms. Cross was concerned about lighting. Mr. Jones stated they would have lighting every 250 feet. He added their parking lighting is in excess. He stated

Kohl's has a very strict lighting plan, very illuminated. Mr. Jones was in agreement with the five staff conditions.

A motion was made by Mr. Lee to approve part 1 of the request with the five staff conditions being met. The motion was seconded by Ms. Sewell. Those voting in favor: Mr. Booe, Ms. Cross, Mr. Garnett, Mr. Jackson, Ms. Sewell, Mr. Stewart, Mr. Lee, Mr. Cook. Voting against: Ms. Metcalf. The motion carried.

Mr. Jones requested to table part two of the request until July 12. A motion was made to that effect by Mr. Garnett. The motion was seconded by Ms. Cross and carried unanimously.

The next item of business was a public hearing from the Franklin County Planning Department and the City of Frankfort Planning Staff for a text amendment to part 7 and part 8 of the Frankfort/Franklin County Subdivision and Development Plan Regulations to amend and clarify the requirements and timing for the issuance of certificates of occupancy of structures prior to the full completion and acceptance of public improvements.

Mr. Edwin Logan qualified Mr. Robert Hewitt, County Planning Director. Mr. Hewitt stated the only change to the staff report except for 7.06.07 was that it become retroactive to the original adoption date by each jurisdiction. Mr. Hewitt stated he had a vita on file. Mr. Muller stated he had no changes to his report and had a vita on file. Mr. Logan requested the report be entered into the record in lieu of additional testimony.

Mr. Jonathon Otis, 234 West Main, was present and asked who would prepare the Certification of Completion. Mr. Hewitt stated there will be a committee meeting regarding that matter and it will be cleared up.

Mr. C. Michael Davenport was present and stated he was in full support for the changes and applauded the committee.

A motion was made by Mr. Garnett to close the hearing. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Garnett and seconded by Ms. Cross to adopt the staff report as the summary. The motion carried unanimously.

A motion was made by Mr. Garnett that this will clarify the changes. The motion was seconded by Mr. Booe and carried unanimously.

A motion was made by Annie Metcalf that the amendment will maintain the intent and correct typos. The motion was seconded by Ms. Sewell and carried unanimously.

A motion was made by Mr. Booe that the process was done by committee and had public input. The motion was seconded by Mr. Jackson and carried unanimously.

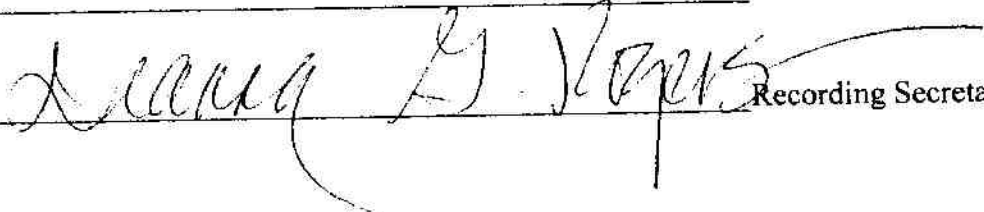
A motion was made by Ms. Sewell and seconded by Mr. Garnett that findings cease. The motion carried unanimously.

A motion was made by Mr. Garnett to forward a recommendation of approval to both governmental bodies based on the findings. The motion was seconded by Ms. Sewell and carried unanimously.

Mr. Jackson requested a recent drainage study copy be forwarded to each PC member.

A motion was made by Ms. Sewell and seconded by Ms. Cross to adjourn. The motion carried unanimously.

Chairman


Recording Secretary